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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,490	09/23/2003	Jason Nogin	1386-2	2272
23869	7590	09/01/2004	EXAMINER	
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			GEHMAN, BRYON P	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/668,490	NOGIN ET AL.
	Examiner Bryon P. Gehman	Art Unit 3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 June 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5,7-20 and 22-30 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5,7-20 and 22-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-8, 13 and 15 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Sergent in view of Evrard (4,798,307). Sergent discloses a mop storage container, which comprises a lower housing (1) including an upper side and a first opening (the perimeter of which is defined by edge 6), and an upper housing (4 and 4) including first and second members (4 and 4) extending upwardly from the lower housing, the first opening being in fluid communication with the upper housing, the first and second members flexibly or pivotally attached to the lower housing, the first and second members adapted to receive a head of a mop in the upper housing when the members are spread apart, and adapted to substantially contain the head of the mop in the upper housing when the members are brought together. Evrard discloses a strainer (at 18) with a plurality of openings disposed across a lower opening in a mop-storing container (11). To modify the container of Sergent employing a strainer portion at a lower opening thereof as taught by Evrard would have been obvious in order to allow residual particulate matter to pass through the strainer without allowing the mop to pass therethrough.

As to claim 2, Sergent and Evrard each disclose a second opening (5; 18).

As to claim 3, each discloses a lower housing opening (receiving element 2; at 18) which is adapted to drain fluid.

As to claim 4, the lower housing of both Sergent and Evrard is clearly pitched toward the opening therein.

As to claim 5, both Sergent and Evrard disclose a plug member (2; 20).

As to claim 13, a handle (10) attached to the mop storage container of Sergent is disclosed.

As to claim 15, each member (4) of Sergent is hinged to the lower housing.

3. Claims 16-20, 22-23, 27 and 29 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Sergent in view of Evrard. The method of storing a mop as claimed is clearly met by the disclosed use of the container of Sergent as modified by Evrard.

As to claim 17, Sergent and Evrard each disclose a second opening (5; 18).

As to claim 18, each discloses a lower housing opening (receiving element 2; at 20) which is adapted to drain fluid.

As to claim 19, the lower housing is clearly pitched toward the opening therein.

As to claim 20, a plug member (2) is disclosed.

As to claim 27, a handle (10) attached to the mop storage container is disclosed.

As to claim 29, each member (4) is hinged to the lower housing.

4. Claims 9-12 and 24-26 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1, 2, 16 and 17 above, and further in view of Kamm (1,869,753). Kamm discloses a draining tool-storing container including a gasket (at 26 and in mirror image thereto) disposed between a handle of the tool and hinged members defining the container. To modify the members of Sergent employing the gasket teaching of Kamm would have been obvious in order to render the upper housing air tight, as suggested by Kamm.

As to claims 10 and 25, a gasket (23) is additionally disclosed by Kamm between the first and second members, to render the upper housing air tight.

As to claims 11 and 26, since Kamm discloses the entire container as air tight, to modify the container of Sergent to have all necessary portions rendered air tight by a gasket would have been obvious.

As to claim 12, to provide the shape of the container in a wedge shape is also suggested by Kamm, and the mere change in shape is not seen to distinguish any new and unexpected result by such a shape.

5. Claims 14 and 28 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 16 above, and further in view of Conrad (5,645,167). Conrad discloses a draining tool-storing container including latching members (44, 44) to retain the members in proximity to one another. To modify Sergent employing latching means as suggested by Conrad would have been obvious in order to maintain the container in a closed position, as suggested by Conrad.

6. Claim 30 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Sergent in view of Evrard and Kamm. Sergent, Evrard and Kamm have been explained above. To modify the container of Sergent employing a strainer portion at a lower opening thereof as taught by Evrard would have been obvious in order to allow residual particulate matter to pass through the strainer without allowing the mop to pass therethrough. To modify the members of Sergent employing the gasket teaching of Kamm would have been obvious in order to render the upper housing air tight, as suggested by Kamm.

7. Applicant's arguments filed June 28, 2004 have been fully considered but they are not persuasive. New reference to Evrard meets the amended claim structure of the strainer structure.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (703) 605-1174. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (703) 308-2672. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bryon P. Gehman
Primary Examiner
Art Unit 3728